

### **REMARKS**

This Amendment is filed concurrently with the filing of a Request for Continued Examination (RCE).

Claims 21-40 are pending in this application. Claims 21, 23-26, 28, 30-31, 33, 35 and 37-40 are amended and claims 41-50 are added herein.

Claims 21, 26, 31, 35, 40, 41, 43 and 45 are independent.

Claims 21-24, 26-29, 31-33, 35-38, and 40 stand rejected under 35 USC §103(a), as obvious over Miyamoto et al. (US Patent No. 6,607,443) in view of newly cited Pfeiffer, et al. (US Patent No. 2003/032481). Claims 25, 30, 34 and 39 now stand rejected under 35 USC §103(a), as obvious over the base combination in further view of Yamashita, et al. (US Patent No. 6,755,743).

Regarding independent claims 21, 26, 31, 35, 40, 41, 43 and 45, the present invention is directed to a player-versus-player type gaming machine and method. In either case, a plurality of players play a game against each other, and a plurality of virtual players are prepared in advance. The virtual player plays according to a particular personality based at least on the game history for the virtual player. Therefore, the play of the virtual player varies widely and is difficult to predict ahead of time.

According to aspects of the invention, each virtual player is provided with individual personality data and/or response data, and virtual players are enabled to perform realistic tactical interactions.

Each virtual player may have a basic personality that is set in advance. For example, the basic personality may be initially determined by five personality parameters of “degree as a gambler,” “acting ability,” “learning ability,” “emotional stability,” and “circumstance ascertaining ability. The personality for a certain day may be set based on this basic personality and with reference to game history data and fortune data, as described for example, on pages 25-27, and in Figure 5. The game history data may, for example, be reflected in the learning ability and the degree as a gambler, etc. parameters. The fortune data may be made to change from time to time (e.g. according to the day) based on, for example, a suitable date of birth, blood type,

etc. of each virtual player.

In Pfeiffer, each virtual player's best potential hand is calculated, as described with reference to Figure 3C, and whether the virtual player's hand is the best hand is determined, as described with reference to Figure 7F. However, the virtual player's hand is relatively easy to predict, since the variation in the hand is limited. Miyamoto lacks any disclosure relating to the play of virtual players. Yamashita does not appear to cure these defects in the base references.

Accordingly, the applied combinations lack, for example, (i) a game controller for controlling the play of the virtual player according to an individual personality of that virtual player which is determined based on at least the stored game history data representing results of play of the game by each of the at least one virtual player, as required by claim 21; (ii) determining an individual personality of the virtual player based on at least game history data representing results of play of the game by each of the at least one virtual player, and controlling the play of the virtual player against other of the plurality of players according to the determined individual personality of that virtual player, as required by claim 26; (iii) a server controller for controlling the play of the game by the virtual player according to an individual personality of that virtual player which is determined based on at least the stored game history data representing results of play of the game by each of the at least one virtual player, as required by claim 31; a game controller for controlling progress of the game in accordance with information input by a player, and the play of the game by the one virtual player according to an individual personality of that virtual player corresponding to at least the stored game history data representing results of play of the game by each of the at least one virtual player, as required by claim 35; controlling play of the game by the displayed virtual player against the other of the plurality of players according to an individual personality of that virtual player which is determined based on at least game history data representing results of play of the game by that virtual player, as required by claim 40; a basic-personality data store for storing basic-personality data for each of at least one virtual player, a fortune data store for storing fortune data for each of the at least one virtual player, with the fortune data changing according to the day in accordance with a

biorhythm of fortune telling, and a game controller for, if the number is determined to be insufficient, selecting the stored basic-personality data for a virtual player, for setting the personality of the virtual player based on the selected basic-personality data by referencing of the stored game history data and stored fortune data, and for controlling the play of the virtual player according to the set personality, as required by claim 41; a basic-personality data store for storing basic-personality data for each of at least one virtual player, and a game controller for, if the number is determined to be insufficient, selecting the stored basic-personality data for a virtual player, for setting the personality of the virtual player based on at least the selected basic-personality, and for controlling the play of the virtual player according to the set personality, as required by claim 43; and a basic-personality data store for storing basic-personality data for each of the at least one virtual player, a fortune data store for storing fortune data for each of the at least one virtual player, with the fortune data changing according to the day in accordance with the biorhythm of fortune telling, and a game controller for controlling the play of the game by the virtual player according to an individual personality which is determined based on the stored basic-personality data for that virtual player and with reference to the stored game history data representing results of play of the game by each of the at least one virtual player and the stored fortune data, as required by claim 45.

Hence, each of the independent claims patentably distinguishes over the applied prior art combinations.

It is further respectfully submitted that the dependent claims further distinguish over the applied prior art. For example:

Each of dependent claims 23, 28, 33 and 37 requires changing the correspondence between an expression and a circumstance of the game being played with the gaming machine for a virtual player, based on game history data for that virtual player.

Thus, the gaming machine exhibits different reactions according to the respective game-playing histories of virtual players. This facilitates a rich variety of play being provided in the game-playing by the virtual players (see, for example, specification page

9, lines 17-25). In addition, the response image data is reproduced in accordance with the conditions of the game. Therefore, the reactions of the virtual players are adjusted according to the participants of the game, thereby providing more satisfaction to the real players carrying out tactical interaction.

In rejecting claims 23, 28, 33, 37, the final Official Action relies for support on Miyamoto's disclosure in column 9, lines 54-60. The relied upon disclosure states:

“Accordingly, the main CPU 201 executes processes in response to subtly differentiated states corresponding to subtle player movement states "1", "2", . . . , "7" on the control face (S203-S210). Specifically, for a given bet, the main CPU 201 delicately selects the game development corresponding to subtly differentiated player actions (S203-S210). “

This disclosure is further clarified in column 9, lines 61-67, where Miyamoto states:

“According to this image processing device, subtle movements by players on the control face are monitored through CCD cameras 14, and subtle variations in input player commands are used to determine development of the game, thereby allowing input player commands, such as bets or calls, from waving of the hands, for example, thus affording a game device affording more realistic game development.”

Hence, it is respectfully submitted, Miyamoto discloses that the main CPU 201 executes processes in response to subtly differentiated states corresponding to subtle real player movement states, but lacks any teaching or suggestion of the required changing of the correspondence between an expression and a circumstance of the game being played with the gaming machine for a virtual player, based on game playing history data for that virtual player.

Pfeiffer does not cure this defect in Miyamoto. While Pfeiffer discloses that

virtual player card selection and betting are controlled by computer software, it has not been cited as disclosing and, it is respectfully submitted, fails to teach or suggest the controlling of game play based on the game history for one or more virtual players.

Accordingly, each of the dependent claims 23, 28, 33 and 37 patentably distinguishes over the applied prior art combination.

Each of dependent claims 46-50 requires either:

(1) a basic-personality data store for storing basic-personality data for each of the at least one virtual player, a fortune data store for storing fortune data for each of the at least one virtual player, with the fortune data changing from time to time in accordance with a biorhythm of fortune telling, a game or server controller that controls the play of the virtual player according to the individual personality of that virtual player by (i) selecting the stored basic-personality data for that virtual player, and (ii) setting the individual personality of that virtual player based on the selected basic-personality data by referencing of the stored game history data and the stored fortune data (Claims 46, 48 and 49); or

(2) that determining the individual personality of the virtual player include (i) selecting basic-personality data for that virtual player from basic-personality data for each of the at least one virtual player, and (ii) setting the individual personality of that virtual player based on the selected basic-personality data and with reference to the game history data and to fortune data for each of the at least one virtual player, the fortune data changing from time to time in accordance with a biorhythm of fortune telling (Claim 47); or

(3) that controlling play of the game by the displayed virtual player includes determining the individual personality of the displayed virtual player by (i) selecting basic-personality data for that virtual player, and (ii) setting the individual personality of that virtual player based on the selected basic-personality data and with reference to the game history data and to fortune data for that virtual player, the fortune data changing from time to time in accordance with a biorhythm of fortune telling (Claim 50).

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It is respectfully submitted that the applied prior art, taken in any combination, fails to teach or suggest such features. Accordingly, each of the dependent claims 46-50 patentably distinguishes over the applied prior art.

To the extent necessary, Applicants petition for an extension of time under 37 CFR § 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account No. 01-2135 (File No. 1227.42951X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,  
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